



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.01.2007

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice N.PAUL VASANTHAKUMAR

W.A. No.57 of 2007
and
M.P.No.1 of 2007

The Licensee
Lakshmi Theatre
Kovilpatti.

.. Appellant

-vs-

1. The State rep. By its
Secretary to Government
Home (Cinema - II) Department
Fort St.George, Chennai 9.

2. The Joint Commissioner &
Appellate Authority,
Chepauk, Chennai 5.

3. The Licensing Authority and
Collector,
Tuticorin District, Tuticorin.

.. Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the order made in W.P.No.3010 of 2000, dated 06.11.2006 filed under Article 226 of the constitution of India to issue a writ of Certiorari to call for the records relating to the proceedings of the 1st respondent passed in G.O.(1-D) No.194 dated 30.12.99 and quash the same.

For Appellant : Mr.J.Pothiraj

For Respondents : Mr.Rajakalifullah,G.P.



J U D G M E N T

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

WEB COPY

This writ appeal is directed against the order of the learned single Judge in and by which the learned Judge after finding that there is no valid ground to interfere with the impugned order, dismissed the writ petition.

2. According to the appellant/petitioner on 25.10.1998, the Tahsildar, Ettayapuram inspected the theatre of the appellant by name 'Lakshmi Theatre' and framed three charges against him. The same was informed to the District Collector, Tuticorin, based on which a show cause notice was issued on 17.11.1998. The charges are as follows:

a) During the inspection the licensee had collected flat rate from the patrons for the second class tickets and had also collected flat rate of Rs.7/- against the prescribed rate of Rs.3/- for the first class tickets.

b) The rates of admission of the particular class and the prescribed accommodation were not furnished at the entrance of each class.

c) The class rates of admission made for gents and ladies were not not furnished at each ticket counter.

3. It is the grievance of the appellant that without providing adequate opportunity of personal hearing, the licensing authority summarily suspended Form 'C' licence of the appellant by his proceedings dated 22.12.1998 for a period of 15 days. Aggrieved by the same, the appellant/petitioner preferred an appeal before the Joint Commissioner and the Appellate Authority, Chennai 5 - second respondent herein. The Appellate Authority confirmed the order passed by the licensing authority. Against the order of the Appellate Authority, the appellant preferred a revision before the first respondent. While confirming the order of the original and appellate authority, the revisional authority modified the period of suspension of Form 'C' licence from fifteen days to three days. Not satisfied with the said order, the appellant/petitioner preferred a writ petition before this Court. The learned single Judge after considering the charges levelled against the appellant/petitioner, orders passed by the three authorities and taking note of the fact that the appellant/petitioner had been previously punished on various occasions for the violation of the Tamil Nadu Cinemas Regulation Rules, refused to interfere with the impugned order and dismissed the writ petition, hence the present writ appeal.



WEB COPY

4. Learned counsel for the appellant submitted that in view of Section 8(A) of the Tamil Nadu Cinemas Regulation Act, 1955, the appellant/petitioner is prepared to compound the offence and pay the penalty instead of closure of the theatre. We are unable to accept the said contention for the following reasons:

First of all, the charges levelled against the appellant are serious in nature. Secondly, even the revisional authority taking lenient view, reduced the period of suspension from fifteen days to three days. Apart from the same, the particulars furnished show that the appellant had been previously punished on various occasions for violation of the Tamil Nadu Cinemas Regulation Rules. In those circumstances and in view of the fact that the learned single Judge considered all the relevant aspects and refused to interfere with the impugned order, in the absence of any other adequate material, we do not find any valid ground for interference. Accordingly, the writ appeal is dismissed. No costs. Consequently connected miscellaneous petition is closed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

gms

To

1. The Secretary to Government of T.N.
Home (Cinema - II) Department
Fort St.George, Chennai 9.

2. The Joint Commissioner &
Appellate Authority,
Chepauk, Chennai 5.

3. The Licensing Authority and
Collector,
Tuticorin District, Tuticorin.

SGL (CO)
km/25.1.

W.A.No.57 of 2007